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December 4, 1996

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DEC - 4 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**VIA HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

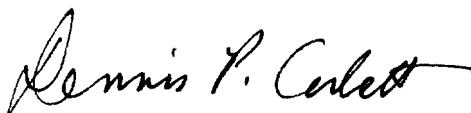
Re: MM Docket No. 87-268

Dear Mr. Caton:

On behalf of Ramar Communications, Inc., I am transmitting herewith an original and nine copies of their Comments in response to the Commission's Sixth Further Notice of Proposed Rulemaking, FCC-96-317 (released August 14, 1996) in the above -referenced proceeding. These Comments are being filed in accordance with an Order Extending Time for Filing Reply Comments, DA-1929, released November 20, 1996, in which the Commission made clear that it will accept late-filed comments "for a reasonable period of time" after the November 22, 1996 deadline. In light of that articulated policy, acceptance of these Comments is respectfully requested. See note 1 of the Comments.

Should there be any questions concerning this matter, please contact the undersigned.

Very truly yours,

  
Dennis P. Corbett

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Enclosures

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BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

RECEIVED  
DEC 4 1996  
Federal Communications Commission  
Office of Secretary

In the Matter of )

Advanced Television Systems )  
and Their Impact upon the )  
Existing Television Broadcast )  
Service )

MM Docket No. 87-268

To: The Commission

**COMMENTS OF RAMAR COMMUNICATIONS, INC.**

Ramar Communications, Inc. ("Ramar"), by its attorneys, hereby comments on the Commission's Sixth Further Notice of Proposed Rulemaking in the above-captioned proceeding, FCC 96-317 (released August 14, 1996) ("Notice").<sup>1</sup>

Ramar supports the ongoing efforts by the Commission to facilitate the transition to digital television ("DTV") broadcasting. The Commission's draft DTV Table of Allotments, issued as part of the Notice, reaffirms the Commission's objective of providing full replication of existing NTSC service areas, and Ramar applauds the Commission's commitment to these principles. Although Ramar supports the Commission's general allotment and assignment scheme, Ramar respectfully submits that the Commission must modify its proposed policies towards certain facilities modification applications, existing translator/LPTV stations, and new full

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<sup>1</sup> By an Order Extending Time for Filing Reply Comments, DA 96-1929, released November 20, 1996, the Commission made clear that it will accept late-filed comments "for a reasonable period of time" after the November 22, 1996 deadline. Because these comments are being filed within 7 business days of November 22 and more than a month in advance of the newly extended reply comment deadline (January 10, 1997), these comments satisfy the reasonable period of time test and should be accepted, relief which is respectfully requested.

power station construction permit applications in order to insure a consistent and equitable transition to the digital broadcasting era.

**I. FACILITY MODIFICATION APPLICATIONS FOR EXISTING NTSC STATIONS FILED BEFORE JULY 25, 1996 SHOULD NOT BE CONDITIONED ON FUTURE DTV ALLOTMENTS**

Prior to July 25, 1996, Ramar filed an application to modify its existing NTSC station KJTV, Lubbock, Texas (File No. BPCT-960711LM). This application was filed to expand the station's coverage area and thereby provide better service to the viewing public. The Notice, however, requires that any applications *granted* after July 25, 1996, be conditioned on the outcome of the DTV proceeding, thereby leaving open the possibility that the Commission may require such facilities to be reduced or otherwise modified in a way that adversely affects the licensee and its viewers.

Ramar respectfully submits that applications on file by July 25 should receive the same treatment as applications granted before this date. In many cases, such as Ramar's, the modification application proposes a substantial improvement in facilities that will provide clear public interest benefits. Ramar's application was on file prior to release of the draft DTV conversion table which does not factor in modification applications like Ramar's, and substantial equities therefore weigh in Ramar's favor on this issue. The FCC should not relegate such applications to an ambiguous future where facilities improvements may be lost and grants may be effectively revoked.

To prevent the wholesale devaluation of pending modification applications, the Commission should process such applications filed prior to July 25, 1996 without conditioning the grant of any of these applications on the outcome of the DTV proceeding. Furthermore, any such applications granted should be fully accommodated in the new digital world. The Commission

should adhere to a consistent policy that treats similarly situated applicants in a fair and equitable fashion.

**II. THE COMMISSION'S PLAN MUST PROTECT THE DIGITAL FUTURE OF TRANSLATORS AND LOW POWER STATIONS**

Ramar is also the licensee of multiple translator and low power stations.<sup>2</sup> The Notice fails to provide for any meaningful accommodation of these stations in the digital future. These translators and low power stations generally provide service to cities and communities unable to receive primary broadcast signals. Ramar respectfully submits that, given the vital importance of these stations, the Commission must formulate a plan which, to the fullest extent possible, guarantees a future for these licensees in the DTV scheme.

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<sup>2</sup> Ramar is licensee of the following TV Translator/LPTV facilities:

K56FB	Albuquerque, NM	(TV Translator)
K47CF	Hobbs, NM	(TV Translator)
KUPT-LP	Lubbock, TX	(LPTV)
KXTQ-LP	Lubbock, TX	(LPTV)
K62DG	Lubbock, TX	(LPTV)
K62ET	Matador, TX	(TV Translator)
K64CK	Matador, TX	(TV Translator)
K66EN	Matador, TX	(TV Translator)
K68EN	Matador, TX	(TV Translator)
K15CV	Roswell, NM	(LPTV)
K66DB	Seminole, TX	(TV Translator)
K07TZ	Snyder, TX	(TV Translator)
K69FQ	Snyder, TX	(TV Translator)
K44DA	Plainview, TX	(TV Translator)

Ramar is permittee of the following TV Translator facilities:

K15EJ	Albuquerque, NM	(New TV Translator)
K64FD	Lubbock, TX	(New TV Translator)

For this reason and the reasons set forth in Sections I above and III below, Ramar strongly opposes the Commission's proposal to immediately designate a core spectrum for digital television. The transition from NTSC to digital promises to be challenging for both broadcasters and the Commission. Most of the technology on which DTV will depend remains largely untested in the varied conditions and locations in which it will be operating, and full power and low power/translator stations will need additional spectrum space to accommodate all stations and their modifications. The premature limitation of the spectrum available will impede the effective implementation of DTV.

**III.            APPLICANTS WHO FILED NEW NTSC CONSTRUCTION PERMIT APPLICATIONS IN COMPLIANCE WITH THE DEADLINE ESTABLISHED BY THE NOTICE DESERVE PROTECTION IN THE DTV CONVERSION TABLE**

In its Notice, the Commission expressly permitted the filing of new NTSC station construction permit ("CP") applications. In the past, CPs have meant that a permittee could construct a station with the reasonable expectation that its station could be used for television broadcasting in the foreseeable future. The Notice, however, eliminates that expectation.

The Commission's tentative decision not to extend DTV conversion protection to CP applicants would have the perverse effect of undermining the value of the very stations which the Commission has permitted to come into existence in the Notice. A CP granted today should not be threatened with extinction at the end of the transition period. It is fundamentally unsound public policy to simultaneously encourage the construction of new stations while eliminating the future value of those same stations.

Ramar respectfully submits that the Commission should not banish to the digital wilderness those who filed CP applications by September 20, 1996. The Commission should include all CP applications filed prior to that date, in the DTV Table of Allotments.<sup>3</sup>

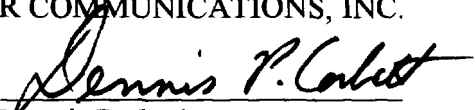
### CONCLUSION

For the foregoing reasons, the Commission should revise its Notice to protect pending minor facility modification applications, translator and low power stations, and pending construction permit applications for new stations.

Respectfully submitted,

RAMAR COMMUNICATIONS, INC.

By:

  
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December 4, 1996

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<sup>3</sup> For purposes of administrative convenience, the FCC may wish to protect one agreed upon, central transmitter site for each group of applicants for a particular allotment.